



JPW

Docket No.: 1489.1001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

James E. McGowan, Jr.

Serial No. 09/826,420

Group Art Unit: 1744

Confirmation No. 5040

Filed: April 5, 2001

Examiner: CHORBAJI, MONZER R

For: MEDICAL ARTICLE STERILIZATION METHOD AND DEVICE

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

On October 8, 2004, the Patent Office issued a Notice of Non-Compliant Amendment. The Notice states that "The amendment to the claims does (sic) not start on a separate page." A copy of the Amendment filed on September 30, 2004 is enclosed. As can be seen, the amendments to the claims start on a separate page. Accordingly, the objection is not understood.

After inquiring with the Patent Office, Ms. Nicole Lawrence kindly faxed the undersigned additional information. A copy of the single sheet of additional information is enclosed. As can be seen, the additional information is simply a sample cover sheet. The cover sheet does not establish whether or not amendments to the claims of the sample start on a separate page. That is, page 2 of the sample could also contain information regarding an extension of time. Perhaps the Patent Office requests some special format for a cover sheet. However, the Notice of Non-Compliant Amendment does not mention any special cover sheet. Further, it is believed that the first page of the undersigned's September 30, 2004 Amendment is in compliance with the rules.

If there is indeed any problem with the September 30, 2004 Amendment, additional information is requested. It is also requested that the Patent Office provide a citation to the authority which establishes that there is a problem.

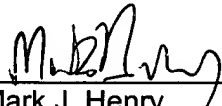
Serial No. 09/826,420

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Oct 18 2004

By:   
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MSH



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OCT 18 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

Resp due 11/8/04  
(ext available)

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,420	04/05/2001	James E. McGowan, JR.	1489.1001	5040

21171 7590 10/08/2004  
STAAS & HALSEY LLP  
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1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

CHORBAJI, MONZER R

ART UNIT PAPER NUMBER

1744

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OCT 12 2004



UNITED STATES PATENT AND TRADEMARK OFFICE



09/826420

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9/30/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: The claims to the claims does not start on a separate page.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Nicole Hawone (571) 272-1025  
Legal Instruments Examiner (LIE) Telephone No.



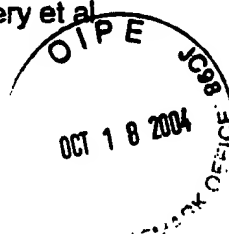
1743  
2FW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application:

Appl. No. : 10/034,913  
Applicant : Robert A. Cordery et al  
Filed : Dec. 18, 2001  
Art Unit : 1743  
Examiner : L. Alexander  
Attorney Docket No. : F-430  
Customer No. : 00919

Confirmation No.: 1303



Date: August 20, 2004

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 25, 2004, attached please find the following items:

1. Amendments to the Claims (pages 2-4); and
2. Remarks (pages 5-9).

correct  
format

<b><u>CERTIFICATE OF MAILING</u></b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:	
Mail Stop Amendments Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
on August 20, 2004 Date of Deposit	Brian A. Lemm Name
 Signature	August 20, 2004 Date

(2002) 434-1501

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Att: manami

SAMPLE